

Application No.: 10/605,977

Reply to Final OA, Docket No.: P029.03.CIP14+D23

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CENTRAL FAX CENTERpage 9
September 29, 2006

SEP 29 2006

REMARKS

Applicant thanks the Examiner for the thoughtful review of the application.

Amendments to the claims are described below in the **PRESENT AMENDMENT**. The status of the claims is as follows:

- i. **Claims 14, 16 - 19, and 22 - 37 are Pending** in the present application;
- ii. **Claims 12 - 13, 15, and 20 - 21 are Cancelled**;
- iii. **Claims 11, 14, 16, and 38 were amended** herein; and
- iv. **Claims 1 - 11 and 38 - 40 are Withdrawn**. The Applicant respectfully requests Withdrawn **Claims 1 - 11 and 38 - 40** be rejoined. **MPEP 821.04**

i. **PRESENT AMENDMENT**

Claim 14 was amended to particularly point out and distinctly claim the subject matter the Applicant regards as the invention. Specifically, **Claim 14** was amended to include all of the limitations of **Cancelled** independent **Claim 13**. Furthermore, **Claim 16** was amended to depend from **Claim 14** due to the cancellation of **Claim 15**. **Withdrawn** independent **Claims 11 and 38** were amended to particularly point out and distinctly claim the subject matter the Applicant regards as the invention. Specifically, the multi-resistive state element is an annealed material.

No new matter was introduced in amending the application.

ii. **ARGUMENT**

a. **Rejection of Claims 13, 15, and 20 under 35 U.S.C. §102(b) in view of U.S. 6,150,253 to Doan et al.**

The rejections of **Claims 13, 15, and 20** are mooted by the cancellation of those claims.

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page 10
RECEIVED
September 29, 2006
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SEP 29 2006

b. Objections to Claims 14 and 16 - 19

The objections to Claims 14 and 16 - 19 for being dependent upon a rejected base claim are now mooted by the cancellation of Claim 13 and 15 and by amending Claim 14 to add all of the limitations of Claim 13. Therefore, the objections to dependent Claims 14 and 16 - 19 ought to now be withdrawn.

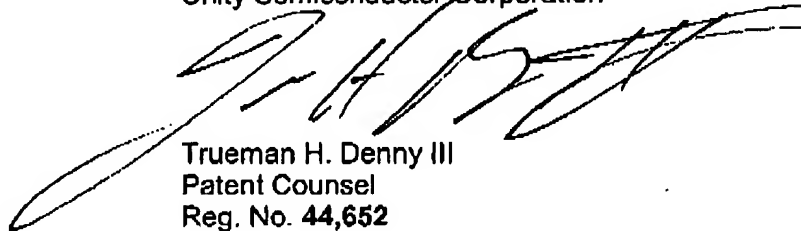
c. Rejoinder of Claims 1 - 11 and Claims 38 - 40 per MPEP 821.04

The Applicant respectfully request rejoinder of Claims 1 - 11 and 38 - 40.

iii. CONCLUSION

Applicant now believes the present case to be in condition for allowance, and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application the undersigned can be reached at (408) 737-7200 x124.

Respectfully submitted,
Unity Semiconductor Corporation



Trueman H. Denny III
Patent Counsel
Reg. No. 44,652

250 North Wolfe Road
Sunnyvale, CA 94085-4510